

DECLARATION

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **Static Devices and Methods to Shrink Tissues for Incontinence** the specification of which is attached hereto or XX was filed on October 13, 1998 as Application No. 09/170,767 and was amended on (if applicable).

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

| Country | Application No. | Date of Filing | Priority Claimed Under 35 USC 119 |
|---------|-----------------|----------------|--------------------------------------|
| | | | Yes _ No _ |
| | | | Yes _ No _ |

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below:

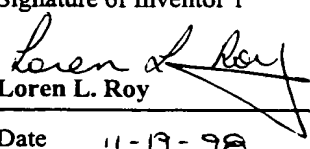
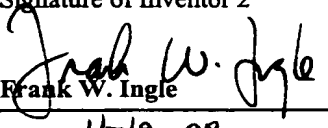
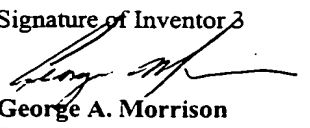
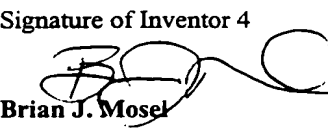
| Application No. | Filing Date |
|-----------------|-------------|
| 60/094,964 | 07/31/98 |
| | |

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| Application No. | Date of Filing | Status |
|-----------------|----------------|----------------------------------|
| | | _ Patented _ Pending _ Abandoned |
| | | _ Patented _ Pending _ Abandoned |

| | | | | |
|-------------------------|--|--|---|--------------------------|
| Full Name of Inventor 1 | Last Name ROY | First Name LOREN | Middle Name or Initial L. | |
| Residence & Citizenship | City San Jose | State/Foreign Country California | Country of Citizenship U.S.A. | |
| Post Office Address | Post Office Address 5851 Southview Drive | City San Jose | State/Country California | Zip Code 95138 |
| Full Name of Inventor 2 | Last Name INGLE | First Name FRANK | Middle Name or Initial W. | |
| Residence & Citizenship | City Palo Alto | State/Foreign Country California | Country of Citizenship U.S.A. | |
| Post Office Address | Post Office Address 814 Richardson Court | City Palo Alto | State/Country California | Zip Code 94303 |
| Full Name of Inventor 3 | Last Name MORRISON | First Name GEORGE | Middle Name or Initial A. | |
| Residence & Citizenship | City Foster City | State/Foreign Country California | Country of Citizenship U.S.A. | |
| Post Office Address | Post Office Address 707 Shell Boulevard | City Foster City | State/Country California | Zip Code 94404 |
| Full Name of Inventor 4 | Last Name MOSEL | First Name BRIAN | Middle Name or Initial J. | |
| Residence & Citizenship | City Dublin | State/Foreign Country California | Country of Citizenship U.S.A. | |
| Post Office Address | Post Office Address 6653 Spruce Lane | City Dublin | State/Country California | Zip Code 94568 |

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

| | |
|--|---|
| Signature of Inventor 1  Loren L. Roy | Signature of Inventor 2  Frank W. Ingle |
| Date 11-19-98 | Date 11-19-98 |
| Signature of Inventor 3  George A. Morrison | Signature of Inventor 4  Brian J. Mosel |
| Date 11/19/98 | Date 11-20-98 |

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) & 1.27(c)) - SMALL BUSINESS CONCERN

Applicant or Patentee: Loren L. Roy et al.
 Application or Patent No.: 09/170,767
 Filed or Issued: October 13, 1998
 Title: STATIC DEVICES AND METHODS TO SHRINK TISSUES FOR INCONTINENCE

I hereby declare that I am:

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

Name of Small Business Concern: SURx, Inc.
 Address of Small Business Concern: 6900 Koll Center Parkway, Suite 417
Pleasanton, California 94566

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled STATIC DEVICES AND METHODS TO SHRINK TISSUES FOR INCONTINENCE by inventor(s) Loren L. Roy, Frank W. Ingle, George A. Morrison and Brian J. Mosel described in:

- ☐ the specification filed herewith.
☒ Application No. 09/170,767, filed October 13, 1998.
☐ Patent No. _____, issued _____.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern that would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

Name _____
 Address _____

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing: GARRY L. CARTER
 Title of Person if Other than Owner: PRESIDENT
 Address of Person Signing: 6900 KOLL CENTER PKWY #417
PLEASANTON, CA 94566

Signature [Signature] Date 11/19/98

POWER OF ATTORNEY BY ASSIGNEE

SURX, INC., having a business address of **6900 Koll Center Parkway, Suite 417, Pleasanton, California 94566**, is the Assignee of the invention entitled: **STATIC DEVICES AND METHODS TO SHRINK TISSUES FOR INCONTINENCE**;

The specification of which was filed on October 13, 1998 as Application No. 09/170,767.

The Assignment accompanying this Power of Attorney has been reviewed by the undersigned. The undersigned certifies that to the best of the undersigned's knowledge and belief, title is in the Assignee. The undersigned (whose title is supplied below) is empowered to act on behalf of the Assignee.

Assignee hereby appoints the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Mark D. Barrish, Reg. No. 36,443
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Gary T. Aka, Reg. No. 29,038
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Reg. No. 36,443
(650) 326-2400

SURX, INC.

Date: 11/19/98

Signature: _____

Name: _____

Title: _____

GARY L CARTER
PRESIDENT